

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

49th Legislative Day

May 25, 2001

PRESIDENT PHILIP:

The regular Session of the 92nd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by Senator Burzynski. Senator Burzynski.

SENATOR BURZYNSKI:

(Prayer by Senator Burzynski)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Radogno.

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDENT PHILIP:

Senator Jones.

SENATOR W. JONES:

Mr....

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Wednesday, May 23rd, 2001.

PRESIDENT PHILIP:

Senator Jones.

SENATOR W. JONES:

Mr. President, I move the Journal just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Jones moves to approve the Journal just read. There being no objection, so ordered. Senator Jones, again.

SENATOR W. JONES:

Mr. President, I move that reading and approval of the Journal of Thursday, May 24th, in the year 2001, be postponed, pending

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arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Jones moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Messages from the House.

SECRETARY HARRY:

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1284, with House Amendment 2.

Passed the House, as amended, May 24th, 2001.

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 2370 and 2698.

Passed the House, May 24th, 2001.

PRESIDENT PHILIP:

Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Mr. President, let the record reflect that Senator O'Daniel is still absent today due to the illness of his wife.

PRESIDENT PHILIP:

Record will so indicate. Senator Jones, for what purpose do you rise?

SENATOR W. JONES:

Yes. I have a point of personal privilege this morning.

PRESIDENT PHILIP:

State your point.

SENATOR W. JONES:

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Yes. From Hoffman Estates, Illinois, I have a Page for the Day, who is a student at Quest Academy in Palatine, Illinois. Her name is Jordan Harper. She's in the back of the room with the Pages. And her mother, Becky, is in the President's Gallery.

PRESIDENT PHILIP:

Will they please rise and be recognized by the Senate?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Committee Report.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Executive - Senate Amendment 1 to Senate Resolution 153, the Motion to Concur with House Amendment 1 to Senate Bill 1177, and Conference Committee Report No. 1 to House Bill 2917; to the Committee on Financial Institutions - the Motion to Concur with House Amendment 1 to Senate Bill 48; to the Committee on Public Health and Welfare - the Motion to Concur with Amendments 1 and 2 -- House Amendments 1 and 2 to Senate Bill 933 and House Amendment 1 to Senate Bill 1493; and to the Committee on State Government Operations - the Motion to Concur with House Amendment 1 to Senate Bill 1175.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson, for what purpose do you rise, sir?

SENATOR HAWKINSON:

Thank you, Madam President. Purposes of an announcement.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your announcement.

SENATOR HAWKINSON:

Immediate upon the recess of the Senate, the Judiciary Committee will meet - I think we have two motions - in Room 400. Immediately upon the recess of the Senate.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Immediate upon recess of the Senate, the Judiciary Committee will meet in Room 400. Thank you, Senator Hawkinson. The Chicago Tribune has requested the right to get some still photos of us. Hearing no objection, the request is granted. Senator Klemm, for what purpose do you rise, sir? Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. The Senate Executive Committee will be having a committee meeting at 11 o'clock in Room 212. 11 o'clock, Senate Exec.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The Senate Executive Committee will be meeting in Room 212 at 11 a.m. today. Senator Donahue, for what purpose do you rise, ma'am?

SENATOR DONAHUE:

Thank you, Madam President. I would like to announce a Republican Caucus immediately following the Judiciary Committee. We assume it'll be somewhere in the neighborhood of 10 o'clock.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

A Republican Caucus immediately following the Judiciary Committee meeting, in Senator Philip's Office. Senator Smith, for what purpose do you rise? Senator Smith.

SENATOR SMITH:

Madam President and Ladies and Gentlemen of the Senate, I'd like to announce that the President {sic} Emil Jones is calling for a caucus immediately following the Judiciary meeting, in his office. And we're asking all Democrats to please be in attendance. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Leader Jones is asking for a caucus immediately after Judiciary Committee meets. Thank you, Senator Smith. Senate will stand in recess until the call of the Chair.

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(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measure has been assigned: Referred to the Committee on Environment and Energy - Senate Amendment 2 to House Bill 2900.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar, what purpose do you rise?

SENATOR MAHAR:

For the purpose of an announcement, Mr. President. The Senate Environment and Energy Committee will meet at 1:45, or immediately after Session, in Room 400.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senate will remain at ease until 1:15.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

...the Members in the -- their offices please come to the Floor? Illinois Information Service and the History Makers request leave to record the proceedings. Hearing no objection, leave is granted. Committee Reports.

SECRETARY HARRY:

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bill 20 - the Motion to Concur with House Amendment 1 Be Approved for Consideration; Senate Bill 887 - the Motion to Concur with House Amendments 1 and 3 Be Approved for

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Consideration.

Senator Klemm, Chair of the Committee on Executive, reports House Bill 2917 - the First Conference Committee Report Be Approved for Consideration; Senate Bill 1177 - the Motion to Concur with House Amendment 1 Be Adopted; Senate Amendment 4 to House Bill 2432 Be Adopted; and Senate Amendment 1 to Senate Resolution 153 Be Adopted.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 754, with House Amendments 1 and 2.

Passed the House, as amended, May 25th, 2001.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski, what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. For purpose of announcement. Ladies and Gentlemen of the Senate, Mr. President, it's my honor to introduce a visitor that we have on the Senate Floor today. I don't know whether any of you have seen her or not, but Mrs. Shirley Rauschenberger is over here on the Senate Floor today. And I just wanted to -- us to recognize her here in the Senate. But before we do that, I'd just like to make a -- a indication that she has five successful children, and then there's Steve. And so, we all know Steve. And, also, I think it's important to point out that she is a former opponent of Senator Doris Karpel, as well. Many years ago. But I'd like for us to welcome her today.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Will our guest please rise and be recognized? Welcome to Springfield, Mrs. Rauschenberger. Steven is a good boy. Senator Molaro, what purpose do you rise?

SENATOR MOLARO:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point, sir.

SENATOR MOLARO:

Also visiting us today on the Floor of the Senate is John Cullerton's daughter. Oh, I'm sorry. His wife. I -- my apology. His wife, Pam, is with us. So if we can welcome her to the Floor of the...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Welcome to Springfield. John's also a good boy. Sometimes. On page 1 of Supplemental Calendar No. 1 is the Order of Conference Committee Reports. Mr. Secretary, do you have a file -- a conference committee report on House Bill 2917?

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on House Bill 2917.

PRESIDING OFFICER: (SENATOR DUDYCZ)

With leave of the Body, Senator Dillard will handle House Bill 2917 for the Senate President, who is currently in negotiations on the 2nd Floor. Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I've also filed and it's been signed by the Senate President, I am a hyphenated cosponsor of House Bill 2917. This is a historic piece of legislation in the Illinois General Assembly. It's historic because, for the first time in anyone's memory, Republicans and Democrats have worked together to create a congressional map that respects virtually all interests. This map

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comes to us here in the Illinois General Assembly and we present it, the Senate President and I, as a courtesy to the Illinois Congressional Delegation. It is -- it's their map. They worked long and hard on it. The United States Speaker of the House, Dennis Hastert, I know represented the Republicans in Congress. And Congressman William Lipinski, from the LaGrange area and the City of Chicago, represented the Democrats. And our Illinois Congressional Delegation has shown, I guess, once again, that it has a bipartisan reputation that it deserves in working together to -- to fashion things for Illinois. I do want to, before I answer any questions, point out that the criteria for a congressional reapportionment plan is different than the criteria for a State legislative redistricting plan, which must comply with the requirements of the Illinois Constitution. And this plan is intended to comply with criteria for congressional reapportionment and should not be construed to effect or constitute a departure from those principles required to draft a State legislative district plan. And again, Mr. President, we present this as a courtesy to our Congressional Delegation. The one nice thing, among many, that this plan presents is, because there apparently is an agreement, many, many, many dollars in litigation costs, much of which are taxpayer dollars, are probably saved if the General Assembly passes this redistricting plan for the United States congressmen and women from Illinois and it's signed by Governor Ryan. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will the sponsor yield for several questions?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hawkinson.



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SENATOR HAWKINSON:

Senator Dillard, can you tell us the differences in criteria for a congressional redistricting plan vis-a-vis a State redistricting plan?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

For a congressional redistricting plan, the first and most important factor is that the districts have equal population. Other factors include complying with the Voting Rights Act, political fairness, preserving the continuity of the state's congressional delegation, preserving, to the extent possible, existing district boundaries and -- and continuity.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

And how does that differ from the State criteria?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

For a State redistricting plan, the State Constitution requires that the districts be compact and contiguous and have substantial population equality. The State districts can have more population variation than a congressional district must have.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Senator, what changes has the 2000 Census required in congressional districts in Illinois?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

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Importantly, Illinois has lost a congressional seat, going from twenty to nineteen. As a result, each congressional district must contain approximately eighty thousand more people than it did before.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

What is the ideal population for the new districts, and how much deviation is there between the districts in this proposed plan?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator Hawkinson, all nineteen districts have the ideal population of six hundred and fifty-three thousand four hundred and fifty-seven residents, or voters. And there is absolutely no deviation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

How are minority districts addressed in the map?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

This plan complies with the requirements of the Voting Rights Act. All three African-American majority districts have been preserved and reconfigured to meet the new population requirements, and, likewise, the Hispanic majority district has been preserved and reconfigured to meet the new population requirements.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

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SENATOR HAWKINSON:

Of particular interest to me, can you explain the irregularity in the shape of some of the districts in the plan?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

While we here in the Illinois General Assembly did not craft this map, I think, as I noted before, the requirements for congressional districts are different than those for State legislative districts. The United States Supreme Court decisions have recognized that irregularly shaped congressional districts can result from a number of reasons and are permissible. In fact, a recent case involving a North Carolina congressional district, the Supreme Court ruled a very irregular-shaped district that was drawn to achieve political balance was okay. There are a number of sound reasons for the shape of the districts in this proposed plan. The existing minority/majority districts are already irregularly shaped today, and these districts have been reconfigured to maintain as much of the present districts as possible, while bringing the districts' population to the ideal. Doing so requires irregularly shaped districts. Also, maintaining a politically fair balance of congressional districts between the parties and preserving the continuity of the Illinois Delegation is another reason. And while at the same time we create districts of precisely equal population, it requires that districts are sometimes irregularly shaped to match that requirement for equal population. And finally, the plan attempts, where it's ever possible to do so, to recognize traditional district boundaries, such as county, township and municipal lines; however, accommodating the other factors that I've mentioned before has required that district lines sometimes run through counties, townships and municipalities.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Can you tell us, Senator, where has the population shifted since the 1990 Census?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

The majority increase in population in Illinois has been in the northeastern portion of the State, principally in four congressional districts: the -- the Eighth, the Thirteenth, the Fourteenth and the Sixteenth districts. The population in those four districts exceeds the ideal by a combined total of more than a quarter of a million. The largest shortage from the ideal is in the southern part of Illinois. For example, the population in the Twelfth, Fifteenth, Seventeenth, Nineteenth and Twentieth congressional districts is short of the ideal by a combined total of more than three hundred and fifty thousand people. There also was a shortfall in the three African-American majority districts.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Finally, Senator, how does the proposed map address the reduction from twenty seats to nineteen seats?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Reaching the ideal population in every district for a nineteen-district plan required reconfiguration of every district. The plan combines three downstate districts where there was a substantial population shortfall from the ideal, the present Fifteenth, Nineteenth and Twentieth, into two districts, the

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proposed Fifteenth and Nineteenth districts. Two other downstate districts with a substantial population shortfall, the Twelfth and the Seventeenth, were reconfigured to reach the ideal population and regain political balance. The three African-American majority districts were retained and reconfigured, among other reasons, to comply with the Voting Rights Act and maintain political balance. And finally, Senator Hawkinson, districts with populations that exceeded the ideal were reconfigured to reduce the population to the ideal. And I want to call to the attention of the Members that these maps are both in our laptop computer system here on the Floor and down in the Well on an easel and before the Body.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I -- I don't have any questions for the sponsor. Just a -- a brief statement after taking a look at this map. A couple of points I want to make. One, I don't think that I -- I can object to anybody on the other side of the aisle voting for this map. It basically entrenches a situation where, rather than having a split right down the middle in the Congressional Delegation, we now essentially have nine safe seats for sitting incumbents and then -- we have one seat that is heavily tilted in the Republican direction. It's not clear to me exactly why a Democrat would vote for this bill, but I -- you know, I -- I can't debate or argue the willingness of the other side of the aisle to -- to vote for this. I -- I do want to make one point, though. And this doesn't go to the constitutionality of the bill, because I think that, as Senator Dillard indicated, this map, under current law, will probably survive a court challenge. That would be my suspicion. It provides for -- majority/minority districts. So there's no retrogression that's going to be taking place. It is -- it meets

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the one person/one vote standard, the very strict standard that is set up by federal law. But I do want to point out that when you look at the map, it is hard to suggest that this would be the ideal configuration to provide representation for the average constituent. If you look at Lane Evans' district -- what is currently Lane Evans' district and what it will become, for somebody a hundred miles away to have to travel along the Mississippi River, essentially, to get to the congressional district office is not, what I would suggest, an ideal map for purposes of our constituents. And -- and I think the most important reason I want to raise this -- this point and get this on the record is that over the last several years, we have been embroiled at the federal level and, to some degree, at a local level in a debate about the drawing of majority/minority districts, African-American districts, Latino districts, and there have been a number of legal commentators, as well as elected officials, as well as Supreme Court justices, who have objected to irregular districts when they are drawn for purposes of providing representation to minorities. I want to point out that in this map, the lines that have been drawn simply to protect incumbents, as opposed to provide representation for minorities, is at least as egregious, if not more, than any of the districts that were objected to in North Carolina, that were brought before the Supreme Court of the United States, that were struck down by Shaw versus Reno. The Supreme Court has not said that such blatant gerrymandering is unconstitutional when race is not involved, but I would suggest that it -- it raises questions as to why, in fact, our current Congressional Delegation would want to set up a map like this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Weaver.

SENATOR WEAVER:

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I would move the previous question, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There are seven additional speakers. Further discussion?  
Senator Hendon.

SENATOR HENDON:

Thank -- thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hendon.

SENATOR HENDON:

First, let me say I'm going to vote for this map, and I can see a lot of reasons why I should. And I hope that everyone else on this side of the aisle supports this map, as well. I understand that the incumbents -- and they negotiated, both bipartisan, Republican and Democrat, to come up with this map. Having said that, Senator Dillard, could you tell us what the last results of the last Presidential election was by party, Democrat and Republican, what the percentages were?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

I don't know offhand, Senator Hendon, but if you're referring to the State of Illinois, I know that Albert Gore beat, in our State, President Bush.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

That -- that's correct, and I believe the margin was substantial. The reason I bring that up is -- I'd like for you to explain to us why we're not getting ten Democratic congressional seats and nine Republican congressional seats instead of the other way around, if, in fact, nationally -- in national elections -- Presidential elections, Illinois is clearly a more Democratic

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State.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you. Senator Hendon, I'm not the author of this map. This map was negotiated between the two political parties of our members in the United States Congress and they determined that this is fair. But I clearly want to point out that the numbers determine the districts, their configurations and where they come from. And, you know, in the southern part of the State, there perhaps is a primary between a Republican and a Democrat down in the southern Illinois part of the State. And, you know, this map was negotiated between our members of Congress.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Well, you mentioned -- recent rulings that said drawing a map to maintain proper political balance was acceptable, and I think it should have been the same in this case. And since the proper political balance would have been ten Democratic seats and nine Republican seats, that should be what it reflects. You had nothing to do with it, and I appreciate that. I did want to put on the record this argument, so when we get around to the legislative map, especially here in the Senate, we will get the same bipartisan cooperation to make sure we reflect the will of the people here in the State of Illinois, as we're doing with this congressional map. And I will reluctantly vote for it, under those circumstances.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Petka.

SENATOR PETKA:

Thank you, Mr. President and Members of the Senate. I rise in



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support of this -- this legislation for a very simple reason: This represents a negotiated map. For forty years, we've had maps that have been drawn basically -- or, at least since 1970, by the federal courts. In my opinion, the -- the federal court's involvement in what should be legislative matters is something that we should resist. We should be especially gladdened when we have those who are most affected by a piece of legislation coming together and making a decision that this represents the consensus, this represents their will, with one exception: Eighteen out of the nineteen congressmen affected by this -- this legislation have said it's okay. We rarely have that type of consensus here in Springfield. And to begin arguing about whether or not we should have ten of these or nine of these really misses the point. The point is that we have an opportunity, as Senator Dillard pointed out, an historic opportunity, for the first time, literally, in the lives of most of us, to -- to send a map out that did not involve a bitter contest -- a -- a spending of a lot of money and a contest in the federal courts. So we are resorting to a time-honored tradition of State legislatures drawing congressional maps, and not federal judges. In my opinion, that's not their function. Legislative maps are our function. For that reason, and -- and -- and several other reasons, which already have been noted, I would strongly urge the adoption of this map.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Well, really picking up on the last speaker, this is our function. I totally agree. And yet, what we've had is a flawed process, in that in legislative matters, we're supposed to put the matters in front of the people and give the people an opportunity to -- to respond, to have input. And, yes, we have a negotiated map here. Just about all the

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congresspeople are in favor of it. And, yes, I will be supporting it, but I'm disappointed in the process, in the fact that we didn't conduct hearings, the fact that we didn't take testimony, as we have done on the State legislative map. We've been all over the State. We've had hearings in Chicago. Hearings here in Springfield. The House has conducted many, many hearings. Community organizations, different interest groups have been able to step forth and -- and give their opinion about whether or not their areas should be in one district or another. They've been able to give their opinions regarding the -- the division of those -- those areas in the past. And I think that's been a very healthy process. That is the legislative process, but that's not what we have here. What we have here is a map that was put before us by a small group of individuals. It is an incumbent-protection measure. I understand that. That's -- that's our reality, and that's fine. I'm kind of glad that -- that now the Fourth C. D. is not the only strange-looking district. Now we have the Fifteenth looking like an elephant and the Seventeenth with claws. And so, it's great. Now we don't have to be poking fun all the time at the Fourth Congressional District and the shape of that. But I am left wondering - and this is where I have to pose a question to Senator Dillard - did MALDEF participate in this process? They had proposed a map. We have a copy of that map. Is the MALDEF map of the Fourth Congressional District identical to the district that is in this map?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

I believe that MALDEF participated with the Democrat congressional members, and I don't have firsthand knowledge as to whether they participated with the Republican members. But, yes, I know -- MALDEF was in consultation with the Democratic members

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of the Congress.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

Okay. So -- so the district that was proposed by MALDEF has been incorporated into this map?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Not line for line, but substantially.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

Well, again, in closing, let me just say that I'm disappointed in the process. I think this map is probably the -- the best thing that we're going to be able to come up with. I know that there are concerns about what's happened to our friends downstate and we'll be hearing about that, but I urge our Members to -- to support the map.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Woolard.

SENATOR WOOLARD:

Thank you, Mr. President. Ladies and Gentlemen of this Body, I stand before you today not trying to point fingers at anyone, but I do believe that we have a responsibility. And I'm speaking as much to the Democratic side of this Chamber, as I am Republican. I believe that we have a responsibility, constitutionally, to draw this map, and I believe that we're copping out when we allow them to tell us what they want. Sure, it sounds like a great idea. And when I first heard that there was going to be a map that was going to be presented that was going to have nine Republican districts and nine Democratic

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districts, that was the perfect plan. There was going to be one additional district that would be established, and that district was going to be competitive. And one of those people that would be in that competition is my best friend. David Phelps has been a representative of the people of southern Illinois for a long time. He served at the local level. Served in the Legislature here for many years. He served in Congress for the last two terms, and been a very compassionate and concerned and effective legislator for those people. But this is not about retaining a job for David Phelps. What this is about is understanding that there are people who are going to be disenfranchised. I've got a map that many of you probably have been wondering what represents by this map, but the line that is established there and the crosshairs that follow at the bottom is the area of this State that no one can ever be elected to Congress from under the plan that we're about to pass. Let me tell you a little bit about the people that I represent, the people that live in southern Illinois with me. They're a proud people, first. They're a people that have a different understanding. Let me tell you some of the things about Larry Woolard. Probably a lot of you have got stories that are a lot better than this, but how many of you learned to swim in a strip pit that was fifty foot deep? Straight down the side, fifty foot deep. I did it, but I wasn't unique. There were a lot of other folks learned in that same hole. That's good. How many of you have ever been stopped on the highway to let someone pass, and then realize it was a bobcat? And proud to live in a neighborhood where a bobcat can cross the road without being disturbed. I can tell you the other side. How many of you have ever killed a rattlesnake? I have, in southern Illinois, too, not in some other state - this State - and it was to protect what I thought was right and good: my well-being. Let me tell you about the people that I represent. They've got to go fifty mile north to head

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across due east to Louisville. We all live below the Mason-Dixon Line. It's easier for me - in fact, it's quicker for me - to go across the State of Kentucky to the State of Tennessee and enter the Capitol hall in Nashville than it is for me to get to this Capitol. All I'm saying is, there's a group of people in this State that don't have a belief or the ability to elect a congressman to represent them who has lived in the same community and area and region of this State that I do. I'm here to tell you that this is not right. I'm here to tell you that we've got a responsibility to put together a map that does, in fact, give us a fighting chance. If Tim Johnson is the better man and can defeat David Phelps, Tim Johnson's a good person. I can say the same things about him, because I served with him as well, as I did David. I can tell you that Congressman Shimkus has made a great impression on a lot of people as he has represented his portion of this State over the last few terms in Congress, and he'll do a good job of representing the people of southern Illinois that he'll take responsibility for in the very near future. I can tell you all kinds of things about Congressman Costello, because he is my congressman now. Even though the majority of the folks that I represent are represented by David Phelps, Costello represents me and does it very well. All I'm saying is we should have the opportunity to believe that we could select some of our own to represent us as well. You know, a few years ago, there was -- something took place, and it was kind of unique, 1861, I think. There was a group from the south that decided to secede and thought it was right. I don't think it's time for us to secede at all. I'm very proud of the fact that I am a part of Illinois. I'm very proud of the fact that I represent a portion of those people in the southern part of this State. I'm very proud of the fact that we live in a nation that allows us the opportunities to make a difference. But I do think that we're seeing a secession

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take place today, and the secession that we're seeing take place is the congressional delegation has seceded from the south, the southern part of this State. It's not fair, it's not right, and I believe that I have a responsibility to ask you to stand with me in defending their privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Associated Press requests permission to photograph the proceedings. Hearing no objection, leave is granted. Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I wasn't planning on speaking on this issue, because I think that we have more eloquent people than I. However, being as my good friend and colleague mentioned my congressman, who I know that he has the utmost respect for, I want to point out one thing, 'cause we've -- we've heard a lot in this map about geography and how far certain people are apart. Well, my congressman happens to give excellent constituent service. And I know, because of that, he will be opening satellite offices, as many of the others will. And also, in this day of telecommunications and -- and E-mail and et cetera, you're as close as the nearest phone to your -- to your -- to your congressman. And the only thing I have, and where I -- I really agree with Senator Obama, what we do here today and the action we take could very well affect who is going to control the U.S. Congress in the next election. But notwithstanding that, I think that it's a good -- it's a good mix. It's a good project. And I plan on voting Aye.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you very much, Mr. President. I hadn't intended to -- to make any remarks with respect to this bill, but there

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were certain questions that were posed in committee and I think there was some confusion with respect to the answers that were given by the expert witnesses. The -- in January -- actually back in December of last year, I asked the Illinois (Legislative) Research Unit to put together some history about Illinois redistricting since 1970. Now, the question was posed in committee about what the Illinois Constitution says about congressional redistricting. Obviously, as you well know, the Illinois Constitution does not mention anything about congressional redistricting, but federal law has given each state's legislature the initial responsibility for congressional redistricting. The federal law also says that -- you know, that each state is entitled to what we are entitled to, in terms of -- of the number, in terms of population. But it also says that -- decisions by the U.S. Supreme Court say that if a state legislature fails to redistrict, a federal court should adopt or fashion a plan to redraw the state's U.S. House districts. Included in this history from 1970, our new Constitution, we have never passed and had then approved a congressional map. In 1971, the General Assembly failed to enact a congressional redistricting law, and it was submitted to a federal panel. Two suits contesting the resulting plan were filed by the Supreme Court. A majority of the three-judge federal panel enjoined the parties from contesting the plan of {sic} (in) the Illinois Supreme Court. It went into effect. In 1981, the '80 Census caused Illinois to lose two U.S. House of Representatives seats. Federal District Court Judge Frank McGarr refused to convene a three-judge panel to hear the cases before the U.S. Court of Appeals in Chicago had ordered them to -- and referred them to a three-judge panel. The panel considered three different redistricting proposals, and after a trial, selected, with slight modifications, a plan proposed by a gentleman by the name of Earl Otto. In 1991, we

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again failed to withdraw -- to -- to draw a federal congressional district and several groups filed in federal court to adopt a redistricting plan, and, in fact, that's what happened. That's a short synopsis. I believe it is the responsibility of the Illinois General Assembly to engage in the redistricting process. As a matter of fact, there was a subcommittee created in the Executive Committee to do that very thing, to study the -- the data with respect to congressional maps and see to it that one was supposedly put -- put before this Body in order for us to have some opportunity to vote on that plan. We never had any hearings. Subcommittee never met. So we are -- we have House Bill 2917, the Conference Committee Report, before us today. What I'm fearful of, I am fearful of the fact that if we fail to enact such a plan today, irrespective of how terrible I think it is, we could again be subjected to a case before the -- a three-person panel of the federal -- federal court. That, to me, from my perspective, could be worse than what we are doing today; although, I think what we are doing today is -- is a little dangerous. So it seems to me that if we're going to embark upon congressional redistricting in the future, that the General Assembly ought to set out some parameters, and we, in fact, ought to do it in the manner and form in which we do our own redistricting. Unfortunately, we haven't done a very good job of that either; otherwise, we'd have had some maps before -- before us now. But that's a little history about where we were, and I intend to support this -- this map today, as -- as bad as I think it may be. And I am prepared to say that the principal reason is that -- not -- not from the perspective that I get a great congressman in my district, for he is, but I am prepared to support this map simply to keep it out of the federal courts and not allow them to dictate to us as to what, in fact, should or should not happen in the State. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)



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Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is with all due respect to Senator Woolard, who gave an impassioned plea, and I certainly understand the dilemma, and I certainly feel for the constituents that live in the southern part of the State, and what is happening to him is sad. It's -- it's happened to a lot of us, but maybe he can be successful. I'm -- I'm being told now that -- which I don't understand, is that the House is not calling the conference committee. This is probably important enough. Our rules do call for them to be able to do it at the same time. And I guess we're calling it now, and it's here, so we're going to be voting on it. I -- I just hope that they vote on it sometime today, and don't wait till the end of the week, or wait till next week. They've adjourned? Is that what someone said? Well, maybe they'll call the plane and bring 'em back, because I asked them to. But I -- I doubt if that's going to happen. Since they adjourned, I'll move on to the rest -- rest of this will be very quick so we can adjourn and go home. One of the things that I've heard from both sides of the aisle on people who are even voting for the bill, they said -- I think one -- one of our Senators called it a terrible bill. Another one said there was no hearings. Somebody else said there should be a different way to doing it. The problem is, as I said in committee, and this is the part I don't understand, is that federal law says that we should do this, this General Assembly. Each state. If you have more than one representative, the state is supposed to draw the map. If we don't, it goes to federal court. I don't know why we would ever go to federal court. If we have the authority to do it, we should do it. Now, the problem is, this map, even though a lot of people say -- or, I think Senator Dillard, the sponsor, said this was written by Hastert, Lipinski and the -- and the

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Congressional Delegation. Well, okay, they could draw a map till they're blue in the face. It doesn't get here until we say so. It doesn't vote until we say so. They -- they don't have a seat here. They can't sponsor a bill. They can't call a bill. It has to be done by the Membership. So, apparently, some of our Members decided to look at their map and bring it forward, and now we're voting on it. We can vote Yes or No. The reason I say that is that if there are people who -- I don't know of any motions -- I looked at the Calendar - I don't know of any motions filed by anybody in this Chamber that called for a hearing on maps. I don't know of any groups that brought forth alternatives. I'm ready to look at alternatives. I -- everybody's called this map -- a lot of people have called it terrible. I understand that it's incumbent-driven. I mean, I'll even state on the Floor of the Senate. I looked in Senator {sic} Rush's new district. I -- I'm looking for homes of people who may run against him, or looked -- they're not there. There's a little finger. I think we're going to call it the "Walter finger", that somehow you're not -- all your neighbors are in one district and you're in another. So you could tell that this was certainly drawn by incumbents. But where's the alternative? Some of the people who were -- didn't have hearings thought it was terrible. Things were going -- well, where's the alternative? We could have brought any map we wanted at any time. This is the map that's here. Now, let me tell you why it's important to have a lot of green lights on it. This will be the first time we're going to have Republican and Democratic votes, and I assume the same thing in the House. MALDEF has signed off on it. Operation PUSH, NAACP, Urban League, they could -- they've talked to the -- the African-American congressmen. Now, we pass this map and it passes the House with a Senate controlled -- Republican -- Republican-controlled Senate, Democratic-controlled House, this is nonpartisan. If this goes,

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it'll be very difficult -- unfortunately, even difficult for -- for Representative Phelps, to come in as a Democrat or a Republican, because the Democrats and Republican passed the map. And the reason that's important is that it -- in the City of Chicago, for an aldermanic map, we spent about fifty million dollars in a court challenge to finally change the boundary by three or four blocks. Fifty million. We paid a law firm twenty million dollars. We have no idea what the City spent. This could save tens of millions of dollars if we pass this map. Is it perfect? I don't know. But I don't know what alternative we have. So I would urge a Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard, to close.

SENATOR DILLARD:

Thank you, Mr. President. I just want to point out again, the numbers determine the district. And, Senator Woolard, I agree with you. Dave Phelps is a good man. I worked with him when I was on the Governor's staff. But because southern Illinois experienced stagnant growth during the last decade, new Census data indicates the downstate population just cannot support the current number of congressional districts. Compromise sometimes means sacrifice, and both sides have made sacrifices, I'm told, during the negotiations, by our congressmen and women. And they made tough decisions, and the Delegation placed cooperation above their individual interests. Neither party has secured a political or electoral balance -- or, advantage here. There is balance. I do want to point out, and, Senator Hendon, I understand where you were going with your questioning, but the Governor of Illinois, for the better part of three decades, has been controlled by my political party, the Republican Party. Our two United States Senators each come from different political parties. And we are a pretty geographically and political party-wise balanced State when

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you look at the entire State of Illinois. Essentially, this map keeps the political control in the same hands that it was just determined by Illinoisans less than two years ago, by congressional district. So, I think this is -- this is a good map, and we should all vote Yes. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 to House Bill 2917. All those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 10 Nays, 1 voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill 2917, and the bill, having received the required constitutional majority, is hereby declared passed. Senator Luechtefeld, what purpose do you rise?

SENATOR LUECHTEFELD:

For point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR LUECHTEFELD:

I have two young people with me today that I think some of you would like to maybe come up and -- and say hello to. They -- they are Clayton Deering and Allyssa Deering, son and daughter of a person that many of you knew, Terry Deering, who was a State legislature -- Legislator a number of years ago. So if you have a chance to come over and -- and sign their Blue Book for 'em, I'd appreciate it. And would you give them a warm welcome, please?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Welcome to -- to Springfield. Senator Mahar, what purpose do you rise?

SENATOR MAHAR:

For the purpose of an announcement, Mr. President. Senate

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Environment and Energy meeting will convene immediately upon adjournment. Ask the Members to be prompt so we can get our business done.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama, what purpose do you rise?

SENATOR OBAMA:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point, sir.

SENATOR OBAMA:

Mr. President, Ladies and Gentlemen of the Senate, I know that we've had a couple of very important birthdays this week. The Senate President, as well as our favorite Senator, Senator Stan Weaver, over there. But I -- I do want to say that actually the most important birthday under the Capitol today is the birthday of my secretary, Ms. Beverly Helm. I believe she's twenty-nine today, and I want everybody in the Senate Chamber to give her a big round of applause.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Happy birthday, Beverly. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 2698, offered by Senator Molaro.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Resolutions Consent Calendar. Resolutions Consent Calendar. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Mr. President.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The -- the motion carries, and the resolutions are adopted. Messages from the House.

SECRETARY HARRY:

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 48

(Secretary reads HJR No. 48)

Adopted by the House, May 25th, 2001.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of House Joint Resolution 48. All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the rules are suspended. Senator Weaver has now moved for the adoption of House Joint Resolution 48. All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the resolution is adopted. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I want -- point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point, ma'am.

SENATOR GEO-KARIS:

I want to wish everyone a pleasant holiday, and let us always keep in mind the men and women who went ahead and lost their lives and limbs in order for us to preserve our freedom. So you-all

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make it home safely, and drive safely and fly safely home. See you next week.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Geo-Karis. Is there any further business to come before the Senate? If not, pursuant to the Senate -- to adjournment resolution, Senator Geo-Karis moves the Senate stands adjourned until the hour of 3 p.m., Tuesday, May 29, 2001.